**BEFORE THE**
**BOARD OF PHARMACY**
**DEPARTMENT OF CONSUMER AFFAIRS**
**STATE OF CALIFORNIA**

| | |
|---|---|
| In the Matter of the Accusation Against:<br><br>TERRIE LYNNETTE TIDWELL<br>4562 W. 173rd St<br>Lawndale, California 90260<br><br>Pharmacy Technician Registration No. TCH 956<br><br>Respondent. | Case No. 3020<br><br>OAH No. L2007080129 |

## DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Pharmacy as its Decision in the above-entitled matter.

This decision shall become effective on October 23, 2008.

It is so ORDERED on September 23, 2008.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By _____
KENNETH H. SCHELL
Board President

BEFORE THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

| In the Matter of the Accusation Against: | Case No. 3020 |
| --- | --- |
| TERRIE LYNNETTE TIDWELL, | OAH No. L2007080129 |
| Respondent. | |

## PROPOSED DECISION

This matter was heard on June 11, 2008, by Chris Ruiz, Administrative Law Judge (ALJ), Office of Administrative Hearings, State of California.

Terrie Lynnette Tidwell (Respondent) was present and was represented by Edward O. Lear, Esq.

Virginia Herold, Executive Officer, Board of Pharmacy, was represented by Kimberlee D. King, Deputy Attorney General.

Oral and documentary evidence was received. The record was left open until July 9, 2008 in order to allow Respondent to submit a letter from "Father Kramer" and for Complainant to respond to said letter. No additional letter was submitted by Respondent and the matter was submitted for decision on July 9, 2008.

## FACTUAL FINDINGS

*Jurisdictional Information*

1. On or about October 23, 1992, the Board of Pharmacy issued Pharmacy Technician Registration Number TCH 956 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2010, unless renewed.

2. At the hearing, the parties stipulated that the allegations stated in the Accusation were deemed established for purposes of this decision. The Accusation was filed on May 18, 2007.

*Applicable Statutory Authority*

3. Section 4300 of the Business and Professions Code[1] provides, in pertinent part, that every license issued by the board is subject to discipline including, suspension or revocation.

4. Section 4301 of the Code states:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

¶ . . . ¶

"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not."

"(g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts."

"(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license."

¶ . . . ¶

"(j) The violation of any of the statutes of this state or of the United States regulating controlled substances and dangerous drugs."

¶ . . . ¶

"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board."

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[1] All further statutory references are to the Business and Professions Code unless otherwise indicated.

5. Section 4022 of the Code states:

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use, except veterinary drugs that are labeled as such, and includes the following:

"(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import."

"(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a ," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device."

"(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006."

6. Section 4060 of the Code states:

"No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, or veterinarian."

7. Health and Safety Code section 11170 states:

"No person shall prescribe, administer, or furnish a controlled substance for himself."

8. Health and Safety Code section 11173, subdivision (a), states:

"No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact."

9. California Code of Regulations, title 16, section 1770, states:

"For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential

unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare."

10. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case. Complainant established that the Board incurred reasonable costs of investigation and enforcement in the sum of $7,444.75.

*Controlled Substances*

11. "Didrex" is the brand name for Benzphetamine and is used as an anorexiant. It is a Schedule I11 controlled substance, as defined by Health and Safety Code section 11056, subdivision (b)(2), and is categorized as a "dangerous drug" pursuant to Business and Professions Code section 4022.

12. "Norco" is the brand name for Hydrocodone 10 mg. with Acetaminophen 325 mg. It is a Schedule 111 controlled substance, as defined by Health and Safety Code section 11056, subdivision (e)(4), and is categorized as a "dangerous drug" pursuant to Business and Professions Code section 4022.

13. "Vicodin" is the brand name for Hydrocodone 5 mg. with Acetaminophen 500 mg. It is a Schedule 111 controlled substance, as defined by Health and Safety Code section 1 1056, subdivision (e)(4), and is categorized as a "dangerous drug" pursuant to Business and Professions Code section 4022.

*Respondent's Conduct While Employed by California Clinical Trials*

14. From May 2005 through October 2005, on multiple occasions while on duty at California Clinical Trials (CCT), Respondent obtained controlled substances by fraud or deceit by stealing approximately 900 tablets of Didrex 50 mg. from her employer. Additionally, Respondent also stole 450 tablets of Norco and 20 tablets of Vicodin from her employer. Respondent possessed Djdrex, Norco and Vicodin without a valid prescription. Respondent consumed approximately 4 tablets of Didrex per day.

15. Respondent obtained these drugs by while on duty at CCT by knowingly creating false documents and by altering purchase order forms after they had been approved for drugs authorized by her employer to include drugs that were neither authorized nor ordered by her employer.

16. Respondent, while employed as a pharmacy technician at CCT, committed acts of unprofessional conduct by repeatedly stealing controlled substances from her employer, by possessing Didrex, Norco, and Vicodin without a prescription, and by knowingly making or signing false documents, and by consuming a portion of the drugs as set forth above in paragraphs 14 through 15. Respondent was terminated by CCT in October 2005.

*Respondent's Conduct Since October 2005*

17. As discussed above, Respondent's problems began while she was employed at CCT. Respondent was in an abusive relationship and turned to drugs to solve her problems. She took Didrex in an attempt to lose weight to please her then-fiancee. She then began using Norco and Vicoden to ease the headaches caused by her overuse of Didrex.

18. Respondent was in charge of the inventory at CCT and she misused this position to order drugs which she then stole and used. In November 2005, CCT informed the Board of Respondent's misconduct.

19. After she was fired by CCT, Respondent "slept" for about two weeks and then decided to change her life. Because she had no money or employment, she turned to her church, which offered free help. Respondent began meeting with Father James at a church in Redondo Beach. He referred her to Alcoholics Anonymous (AA) and she attended approximately 10 meetings. Respondent presently attends AA lectures approximately twice per month. Respondent has been sober since November 2005.

20. Respondent is presently employed by HNP Pharmaceuticals (HNP) in Torrance, California. HNP employees approximately 50 people, three of which are pharmacy technicians. HNP mainly operates as a compounding pharmacy. Respondent's employment requires her to compound "sports creams" similar to Ben-Gay. Respondent earns $18.50 per hour. Respondent has been employed at HNP for approximately two years and her employer described her as "honest, trustworthy, diligent, intelligent, and dependable." HNP does have controlled substances on the premises. Respondent tries to avoid ever having to touch them and most controlled substance prescriptions are filled directly by the Pharmacist-In-Charge, Mike Pavlovich. Both Mr. Pavlovich and the owner of HNP, Robert Nicolas, are aware of Respondent's past problems.

*Other Findings*

21. Respondent has not used illegal drugs for approximately two and one-half years. During that time, she has been employed as a pharmacy technician and she has had no further problems. Respondent has shown sufficient rehabilitation to justify a probationary license with strict terms so as to ensure that Respondent remains sober and is not a risk to the public.

## LEGAL CONCLUSIONS AND DISCUSSION

*First Cause For Discipline (Obtained Controlled Substances by Fraud or Deceit)*

1. Cause exists and Respondent is subject to disciplinary action under sections 4300 and 4301 subdivisions (f),(j), and (o) of the Code, on the grounds of unprofessional conduct, for violating Health and Safety Code section 11173, subdivision (a), in that, by her own admission, from about May, 2005 through October, 2005, on multiple occasions, Respondent, while on duty at California Clinical Medical Group, obtained controlled substances by fraud or deceit. (Factual Findings 1-21.)

*Second Cause For Discipline (Possession of Controlled Substances without a Prescription)*

2. Cause exists and Respondent is subject to disciplinary action under sections 4300 and 4301, subdivisions (j) and (o), of the Code, on the grounds of unprofessional conduct, for violating section 4060 of the Code, in that Respondent possessed controlled substances without a valid prescription. (Factual Findings 1-21.)

*Third Cause For Discipline (Self-Administration of Controlled Substances)*

3. Cause exists and Respondent is subject to disciplinary action under sections 4300 and 4301, subdivisions (h) and (j), on the grounds of unprofessional conduct, for violating Health and Safety Code section 11170. (Factual Findings 1-21.)

*Fourth Cause For Discipline (Knowingly making a false document)*

4. Cause exists and Respondent is subject to disciplinary action under sections 4300 and 4301, subdivisions (f),(g), (j), and (o), of the Code, on the grounds of unprofessional conduct in that from about June, 2004 through October, 2005, on multiple occasions, Respondent, while on duty at CTC, knowingly created false documents. (Factual Findings 1-21.)

*Fifth Cause For Discipline (Unprofessional Conduct )*

5. Cause exists and Respondent is subject to disciplinary action pursuant to section 4301, subdivision (a), because Respondent, while employed as a pharmacy technician, committed multiple acts of unprofessional conduct. (Factual Findings 1-21.)

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## ORDER

Technician registration number 956, issued to Respondent Terrie Lynn Tidwell, is revoked pursuant to Legal Conclusions 1-5, separately and together. However, revocation is stayed and respondent is placed on probation for five years upon the following terms and conditions:

*Obey All Laws*

Respondent shall obey all state and federal laws and regulations substantially related to or governing the practice of pharmacy.

*Reporting to the Board*

Respondent shall report to the board quarterly. The report shall be made either in person or in writing, as directed. Respondent shall state under penalty of perjury whether there has been compliance with all the terms and conditions of probation. If the final probation report is not made as directed, probation shall be extended automatically until such time as the final report is made and accepted by the board.

*Interview with the Board*

Upon receipt of reasonable notice, respondent shall appear in person for interviews with the board upon request at various intervals at a location to be determined by the board. Failure to appear for a scheduled interview without prior notification to board staff shall be considered a violation of probation.

*Cooperation with Board Staff*

Respondent shall cooperate with the board's inspectional program and in the board's monitoring and investigation of respondent's compliance with the terms and conditions of his or her probation. Failure to comply shall be considered a violation of probation.

*Notice to Employers*

Respondent shall notify all present and prospective employers of the decision in case number L2007080129 and the terms, conditions and restrictions imposed on respondent by the decision.

Within 30 days of the effective date of this decision, and within 15 days of respondent undertaking new employment, respondent shall cause his or her employer to report to the board in writing acknowledging the employer has read the decision in case number L2007080129.

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify the pharmacist-in-charge and/or owner at every pharmacy of the terms and conditions of the decision in case number L2007080129 in advance of the respondent commencing work at each pharmacy.

> "Employment" within the meaning of this provision shall include any full-time, part-time, temporary or relief service or pharmacy management service as a pharmacy technician, whether the respondent is considered an employee or independent contractor.

*Reimbursement of Board Costs*

Respondent shall pay to the board its costs of investigation and prosecution in the amount of $7,444.75. Respondent shall make said payments as follows: $155 per month for the 48 months immediately following this decision and beginning 30 days after the effective date of this decision.

If respondent fails to pay the costs as specified by the board and on the date(s) determined by the board, the board shall, without affording the respondent notice and the opportunity to be heard, revoke probation and carry out the disciplinary order that was stayed. The filing of bankruptcy by respondent shall not relieve respondent of his or her responsibility to reimburse the board its costs of investigation and prosecution.

*Probation Monitoring Costs*

Respondent shall pay the costs associated with probation monitoring as determined by the board each and every year of probation. Such costs shall be payable to the board at the end of each year of probation. Failure to pay such costs shall be considered a violation of probation.

*Status of License*

Respondent shall, at all times while on probation, maintain an active current technician registration/certification with the board, including any period during which suspension or probation is tolled.

If respondent's technician registration/certification expires or is cancelled by operation of law or otherwise, upon renewal or reapplication, respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

*Notification of Employment/Mailing Address Change*

Respondent shall notify the board in writing within 10 days of any change of employment. Said notification shall include the reasons for leaving and/or the address of the new em-

ployer, supervisor or owner and work schedule, if known. Respondent shall notify the board in writing within 10 days of a change in name, mailing address or phone number.

*Tolling of Probation*

Should respondent, regardless of residency, for any reason cease practicing as a pharmacy technician or an exemptee in California, respondent must notify the board in writing within 10 days of cessation of practice or the resumption of the practice. Such periods of time shall not apply to the reduction of the probation period. It is a violation of probation for respondent's probation to remain tolled pursuant to the provisions of this condition for a period exceeding three consecutive years.

*Violation of Probation*

If respondent violates probation in any respect, the board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke probation or an accusation is filed against respondent during probation, the board shall have continuing jurisdiction, and the period of probation shall be extended, until the petition to revoke probation or accusation is heard and decided.

If a respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent, and probation shall automatically be extended until all terms and conditions have been satisfied or the board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty which was stayed.

*Completion of Probation*

Upon successful completion of probation, respondent's technician registration will be fully restored.

*License Surrender While on Probation/Suspension*

Following the effective date of this decision, should respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent may tender his or her license to the board for surrender. The board shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation.

Upon acceptance of the surrender, respondent shall relinquish his or her pocket license to the board within 10 days of notification by the board that the surrender is accepted. Respondent may not reapply for any license from the board for three years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board.

*Attend Substance Abuse Recovery Relapse Prevention and Support Groups*

Within 30 days of the effective date of this decision, respondent shall begin regular attendance at a board-approved recognized and established substance abuse recovery support group in California, (e.g., Alcoholic Anonymous, Cocaine Anonymous, etc.,). Respondent must attend at least one group meeting per week. Respondent shall continue regular attendance and submit signed and dated documentation confirming attendance with each quarterly report for the duration of probation.

*Random Drug Screening*

Respondent, at his or her own expense, shall participate in random testing, including but not limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or a drug screening program approved by the board. The length of time shall be for the entire probation period and the frequency of testing will be determined by the board. At all times respondent shall fully cooperate with the board, and shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances. Failure to submit to testing as directed shall constitute a violation of probation. Any confirmed positive drug test shall result in the immediate suspension of practice by respondent. Respondent may not resume the practice of pharmacy until notified by the board in writing.

*Notification of Departure*

If respondent leaves the geographic area for a period greater than 24 hours, respondent shall notify the board verbally and in writing of the dates of departure and return, prior to leaving.

*Abstain from Drugs*

Respondent shall completely abstain from the possession or use of controlled substances, dangerous drugs and their associated paraphernalia except when the drugs are lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon request of the board, respondent shall provide documentation from the licensed practitioner that the prescription was legitimately issued and is a necessary part of the treatment of the respondent. Additionally, respondent shall cause the prescribing practitioner to notify the board in writing, indicating their awareness of the chemical dependency. Additionally, respondent shall cause the prescribing physician to notify the board in writing, indicating their awareness of the chemical dependency.

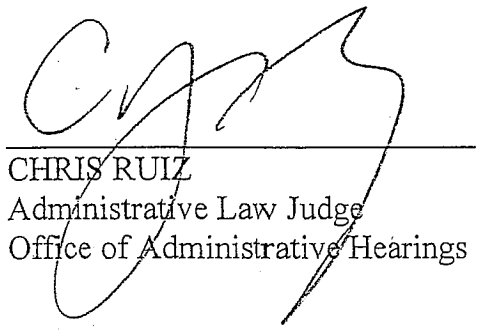
*Tolling of Suspension*

If respondent leaves California to reside or practice outside this state, or for any period exceeding 10 days (including vacation), respondent must notify the board in writing of the dates of departure and return. Periods of residency or practice outside the state or any absence exceeding a period of 10 days shall not apply to the reduction of the suspension period.

Respondent shall not act as a pharmacy technician upon returning to this state until notified by the board that the period of suspension has been completed.

IT IS SO ORDERED.

DATED: August 4, 2008.



CHRIS RUIZ
Administrative Law Judge
Office of Administrative Hearings

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**BEFORE THE**
**BOARD OF PHARMACY**
**DEPARTMENT OF CONSUMER AFFAIRS**
**STATE OF CALIFORNIA**

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| In the Matter of the Accusation Against:<br><br>TERRIE LYNNETTE TIDWELL<br>4562 W. 173rd Street<br>Lawndale, CA 90260<br><br>Pharmacy Technician Registration No. TCH 956<br><br>Respondent. | Case No. 3020<br><br>A C C U S A T I O N |

Complainant alleges:

PARTIES

1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

2. On or about October 23, 1992, the Board of Pharmacy issued Pharmacy Technician Registration Number TCH 956 to Terrie Lynnette Tidwell (Respondent). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2008, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 4300 of the Code provides, in pertinent part, that every license issued by the board is subject to discipline including, suspension or revocation.

5. Section 4301 of the Code states:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

. . . .

"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

"(g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.

"(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

. . . .

"(j) The violation of any of the statutes of this state or of the United States regulating controlled substances and dangerous drugs.

. . . .

"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the

applicable federal and state laws and regulations governing pharmacy, including regulations established by the board.

6. Section 4022 of the Code states:

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use, except veterinary drugs that are labeled as such, and includes the following:

"(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

"(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a _____," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

"(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006."

7. Section 4060 of the Code states:

"No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, or veterinarian."

8. Health and Safety Code section 11170 states:

"No person shall prescribe, administer, or furnish a controlled substance for himself."

9. Health and Safety Code section 11173, subdivision (a) states:

"No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation , or subterfuge; or (2) by the concealment of a material fact."

10. California Code of Regulations, title 16, section 1770, states:

"For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential

unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare."

11. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

12. CONTROLLED SUBSTANCES

A. "Didrex" is the brand name for Benzphetamine and is used as an anorexiant. It is a Schedule III controlled substance, as defined by Health and Safety Code section 11056, subdivision (b)(2) and is categorized as a "dangerous drug" pursuant to Business and Professions Code section 4022.

B. " Norco" is the brand name for Hydrocodone 10 mg. with Acetaminophen 325 mg. It is a Schedule III controlled substance, as defined by Health and Safety Code section 11056, subdivision (e)(4) and is categorized as a "dangerous drug" pursuant to Business and Professions Code section 4022.

C. "Vicodin" is the brand name for Hydrocodone 5 mg. with Acetaminophen 500 mg. It is a Schedule III controlled substance, as defined by Health and Safety Code section 11056, subdivision (e)(4) and is categorized as a "dangerous drug" pursuant to Business and Professions Code section 4022.

FIRST CAUSE FOR DISCIPLINE

(Obtained Controlled Substances by Fraud or Deceit)

13. Respondent is subject to disciplinary action under sections 4300 and 4301 subdivisions (f), (j), and (o) of the Code, on the grounds of unprofessional conduct, for violating Health and Safety Code section 11173, subdivision (a), in that, by her own admission, from about May, 2005 through October, 2005, on multiple occasions, Respondent, while on duty at California Clinical Medical Group, obtained controlled substances by fraud or deceit by stealing approximately 900 tablets of Didrex 50 mg from her employer. Additionally, Respondent also

stole 450 tablets of Norco (a narcotic controlled substance) and 20 tablets of Vicodin (a narcotic controlled substance) from her employer.

SECOND CAUSE FOR DISCIPLINE

(Possession of Controlled Substances without a Prescription)

14. Respondent is subject to disciplinary action under sections 4300 and 4301 subdivisions (j) and (o) of the Code, on the grounds of unprofessional conduct, for violating section 4060 of the Code, in that from about June, 2004 through October, 2005, on multiple occasions, Respondent, while on duty at California Clinical Medical Group, possessed Didrex, Norco and Vicodin without a prescription as set forth above in paragraph 13.

THIRD CAUSE FOR DISCIPLINE

(Self-Administration of Controlled Substances)

15. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivisions (h) and (j), on the grounds of unprofessional conduct, for violating Health and Safety Code section 11170, in that from about June, 2004 through October, 2005, on multiple occasions, Respondent repeatedly stole 900 tablets of Didrex, 450 tablets of Norco (a narcotic controlled substance) and 20 tablets of Vicodin (a narcotic controlled substance) from her place of employment for self use. By her own admission, she consumed approximately 4 tablets of Didrex per day.

FOURTH CAUSE FOR DISCIPLINE

(Knowingly making a false document)

16. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivisions (f), (g), (j), and (o) of the Code, on the grounds of unprofessional conduct in that from about June, 2004 through October, 2005, on multiple occasions, Respondent, while on duty at California Clinical Medical Group, knowingly created documents that falsely represented the existence of a state of facts, by altering purchase order forms after they had been approved for drugs authorized by her employer, to include drugs that were neither authorized nor ordered by her employer.

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## FIFTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct )

17. Respondent is subject to disciplinary action pursuant to section 4301 subdivision (a) in that while employed as a pharmacy technician, she committed acts of unprofessional conduct by repeatedly stealing controlled substances from her employer, possessed Didrex, Norco, and Vicodin without a prescription, knowingly making or signing any false document, and consuming a portion of the drugs as set forth above in paragraphs 13 through 16.

## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

A. Revoking or suspending Pharmacy Technician Registration Number TCH 956, issued to Terrie Lynnette Tidwell.

B. Ordering Terrie Lynnette Tidwell to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

C. Taking such other and further action as deemed necessary and proper.

DATED: 5/18/07

VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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